

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of October 3, 2013

The regular meeting of the Second Injury Board convened at 2:00 p.m.

The following were present:

1. Mr. Larry White, OWCA/Deputy Director, Chairman
2. Ms. Lynette Mack, representing State Treasurer
3. Mr. Steve Hawkland, representing Secretary of State
4. Michelle Sumrall, Compliance Supervisor
5. Meredith Trahan, General Counsel
6. Karl Scott, General Counsel
7. Will Green, General Counsel
8. LaQuita Jackson, Recording Secretary

Mr. White, Chairman, called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Mr. Hawkland moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman then asked for a motion to move *Item 7*, Public Comment, to be the next item discussed. Ms. Mack made the motion. Mr. Hawkland seconded the motion and it was passed unanimously.

Mr. Gary Gamble, Ms. Jennifer Willis, and Ms. Jennifer Sullivan were present to discuss their position regarding settlement of Claim #08-0837. Mr. Gamble, legal counsel for the employee, presented a description of the employee's current medical condition and his evaluation of future medical costs. Ms. Willis commented on the financial burden the employee's family is undergoing. Ms. Sullivan then spoke on the conditions of the settlement reimbursement that would be required should the Board approve authority. Mr. White thanked the parties for presenting their views of the claim and stated a decision would not be made in Public Comment.

The Chairman moved to *Item 2* on the agenda, being hearings on pending claims on the October 3, 2013 agenda.

Hearing # 1 Claim # 12-0545; Employer: Synergy Care, Inc. and Carrier: Bridgefield Casualty Insurance Company. Mr. Dominic Amato and Ms. Gina Cursain were present representing the carrier. Mr. Amato gave a description of the employee's medical conditions. He then stated his opinions of why the claim should be approved for reimbursement using specific medical reports. Ms. Michelle Sumrall, SIB Compliance Officer Supervisor addressed the previous accident and 1007 report along with disputing information included in the claimant's medical records. After final comments by the parties present, the recommendation of Ms. Sumrall was that the claim be denied. Mr. Hawkland made a motion for denial. The motion was seconded by Ms. Mack and passed unanimously.

Hearing # 2 Claim # 12-0875; Employer: Monroe City School Board and Carrier: Monroe City School Board. No one was present to represent carrier. Ms. Michelle Sumrall, SIB Program Compliance Officer Supervisor, stated the required information was received prior to the meeting and recommended that the claim be approved for reimbursement. Mr. Hawkland made a motion to accept the recommendation that the claim be approved. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (9) claims; beginning with Claim #11-0017 and ending with Claim #13-0529

1. 11-0017 Louisiana Municipal Risk Management Agency 104 week deductible
2. 12-0685 Louisiana Commerce & Trade Association 104 week deductible
3. 12-0940 LAC-SIF 104 week deductible
4. 12-0953 City of New Orleans 104 week deductible
5. 12-1068 Parish Government Risk Management Agency 104 week deductible
6. 13-0155 XL Specialty Insurance Company 104 week deductible
7. 13-0206 Performance Contractors, Inc. 104 week deductible
8. 13-0460 Louisiana Home Builders Association SIF 104 week deductible
9. 13-0529 Zurich American Insurance Company 104 week deductible

Mr. White asked for a motion to accept the recommendation of staff and approve reimbursement of these claims. The motion was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (57) claims; beginning with Claim #11-0794 and ending with Claim #13-0639; excluding items # 18 and 26, which were postponed.

1. 11-0794 Not Documented
2. 12-0218 LUBA Casualty Insurance Company
3. 12-0345 Parish Government Risk Management Agency
4. 12-0385 Parish Government Risk Management Agency
5. 12-0482 Bridgefield Casualty Insurance Company
6. 12-0518 Louisiana Workers' Compensation Corporation
7. 12-0533 Bridgefield Casualty Insurance Company
8. 12-0591 American Interstate Insurance Company
9. 12-0750 Lafayette Parish School Board
10. 12-0834 Bridgefield Casualty Insurance Company
11. 12-0845 General Motors Company
12. 12-0855 Louisiana Restaurant Association
13. 12-0954 Star Insurance Company
14. 12-1028 Louisiana Commerce & Trade Association
15. 12-1035 Not Documented

16. 12-1061 Louisiana Restaurant Association
17. 13-0007 Tangipahoa Parish School Board
18. ~~13-0017 Cargill Inc. & Subsidiaries~~ POSTPONED
19. 13-0026 Louisiana Office of Risk Management
20. 13-0032 Retailers Casualty Insurance Company
21. 13-0041 Louisiana Home Builders Association SIF
22. 13-0044 Louisiana Office of Risk Management
23. 13-0048 LUBA Casualty Insurance Company
24. 13-0059 General Health, Inc.
25. 13-0065 St. Martin Parish School
26. ~~13-0068 Retailers Casualty Insurance Company~~ POSTPONED
27. 13-0074 Safety National Casualty Corporation
28. 13-0077 New Hampshire Insurance Company
29. 13-0080 Old Republic Insurance Company
30. 13-0081 Bridgefield Casualty Insurance Company
31. 13-0084 Lafayette Parish School Board
32. 13-0087 LEMIC Insurance Company
33. 13-0099 New Hampshire Insurance Company
34. 13-0105 Louisiana Workers' Compensation Corporation
35. 13-0108 Liberty Mutual Insurance Company
36. 13-0112 Louisiana Hospital Association
37. 13-0116 Louisiana Workers Compensation Corporation
38. 13-0117 Old Republic Insurance Company
39. 13-0120 Lafayette Parish School Board
40. 13-0135 Not Documented
41. 13-0138 Not Documented
42. 13-0152 Louisiana Restaurant Association
43. 13-0174 Jefferson Parish School Board
44. 13-0188 Louisiana Home Builders Association SIF
45. 13-0199 Louisiana Restaurant Association
46. 13-0212 Louisiana Commerce & Trade Association
47. 13-0214 City of Baton Rouge, East Baton Rouge Parish
48. 13-0375 Louisiana Workers Compensation Corporation
49. 13-0376 Louisiana Health Care SIF
50. 13-0386 Louisiana Restaurant Association
51. 13-0407 Ace American Insurance Company
52. 13-0437 Louisiana Health Care SIF
53. 13-0476 LUBA Casualty Insurance Company
54. 13-0478 AutoZone, Inc.
55. 13-0479 Zurich American Insurance Company
56. 13-0601 City of New Orleans
57. 13-0639 Louisiana Auto Dealers Association

Mr. Hawkland moved to accept the recommendation of staff to deny these claims. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (145) partial payments beginning with Claim #08-0518 and ending with Claim #99-0522. Mr. White asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of October 3, 2013. The motion was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (64) quarterly payments due beginning with Claim #05-0373 and ending with Claim #08-0718. Mr. Hawkland moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of October 3, 2013. The motion was seconded by Ms. Mack and passed unanimously.

Due to *Item 7*, Public Comment, being previously addressed, the Chairman moved to *Item 8* on the agenda. Mr. Hawkland made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Ms. Mack seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Chairman requested a motion to approve the recommendations of the Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following claims:

1. 99-0623
2. 02-0565
3. 07-0290
4. 09-0236
5. 09-0840
6. 10-0275 Indemnity Only
7. 10-0388
8. 10-0782
9. 11-0166
10. 11-0864
11. 12-0193

The following claims were recommended to be denied for settlement and be paid on an on-going basis:

1. 92-0209
2. 05-0160

The recommendation that the previous authority granted stand was made on the following claims:

1. 08-0837 And additional request for waiver denied
2. 09-0998

Minutes (cont'd)

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Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #10-0229 settlement authority
2. Claim #08-0146 settlement authority
3. Claim #09-0802 continued litigation
4. Claim #11-0430 settlement authority
5. Claim #11-0708 settlement authority
6. Claim #11-0329 settlement authority
7. Claim #12-0011 settlement authority
8. Claim #09-0189 settlement authority
9. Claim #11-0066 settlement authority
10. Claim #08-0887 settlement authority
11. Claim #12-0341 settlement authority

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 9* of the agenda, being any other matters requiring attention, and there were none.

There being no further business to discuss, the Chairman asked for a motion to adjourn. Mr. Hawkland made the motion which was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 3:13 p.m.

Recording Secretary: LaQuita Jackson